IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 15175 of 2007()

PETITIONER:

V.K.SASI, S/O.KUNJUAN,
VELLACHALIL HOUSE,
NETTUR.

BY ADV. SRI.T.R.RAJAN
SRI.T.K.DEVARAJAN

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
PANANGADU POLICE STATION, KOCHI CITY.

2. THE TAHSILDAR, KANAYANNUR TALUK,
ERNAKULAM.

3. ARAVINDAN,
MANJALIKADU, MARADU VILLAGE, KANAYANNUR TALUK.

R1 & R2 BY GOVT.PLEADER SRI P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).No.15175/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P1A TRUE COPY OF THE LAND TAX RECEIPT BEARING NO.3368678 DATED 13/4/2007 ISSUED BY THE VILLAGE OFFICER, MARADU.

EXT.P1B TRUE COPY OF THE LAND TAX RECEIPT BEARING NO.3368679 DATED 13/4/2007 ISSUED BY THE VILLAGE OFFICER, MARADU.

EXT.P2 TRUE COPY OF THE NOTICE BEARING NO.S1.877/06 DATED 5/7/2006 ISSUED BY THE TALUK SURVEYOR, KANAYANNUR, ERNAKULAM.

EXT.P3 TRUE COPY OF THE ORDER BEARING NO.S1.877/06 DATED 18/8/2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P4 TRUE COPY OF THE BUILDING PERMIT BEARING NO.A.1(2) 990/05-06 DATED 31/3/2006 ISSUED BY THE SECRETARY (SPECIAL GRADE), MARADU GRAMA PANCHAYAT.

EXT.P5 TRUE COPY OF THE PETITION DATED 30/4/2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH THE RECEIPT.

True Copy

P.S. TO JUDGE.

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 15175 OF 2007

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DATED THIS, THE 26TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Service of notice to the third respondent is declared in view of the memo filed by the learned counsel, producing a copy of the letter from the Manager, Speed Post Centre, Kochi, where it is reported that the third respondent refused to accept the same.

2. Petitioner seeks police protection for life as well as for construction of a compound wall. It is true that in the normal course, if there is any boundary dispute, this Court will not interfere, rather relegate the parties to the civil court. But here, in spite of notice issued, the third respondent refused to accept the same. The Municipality has given permission for construction of the building, safeguarding the right of the objectors. The third respondent does not seem to have approached the Municipality raising any such objection and it has not passed any stop memo regarding the construction of the compound wall.

3. learned Government Pleader submits that a complaint was received from the petitioner and while inquiring into the same, though the third

respondent was called, he did not appear.

4. In the above circumstances, we direct the Sub Inspector of Police, Panangad Police Station to give necessary protection to the life of the petitioner and also to remove any physical obstruction caused in the matter of construction of the compound wall. However, this will not stand in the way of the third respondent approaching either a statutory authority or a civil court for getting appropriate orders. In case a stop memo is issued by any competent authorities as regards the construction of the compound wall, the parties will be bound by such orders that may be passed by such authorities regarding the construction of the compound wall.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-